

1 PRICE AND ASSOCIATES
PAMELA Y. PRICE (SBN 107713)
2 1611 Telegraph Avenue, Suite 1450
Oakland CA 94612
3 Telephone: 510.452.0292
Telefax: 510.452.5625
4 E-Mail: pypesq@aol.com
LAW OFFICES OF JOHN L. BURRIS
5 JOHN L. BURRIS (SBN 069888)
CHARLES STEPHEN RALSTON (SBN 034111)

6 Attorneys for Plaintiff DEANNA L. FREITAG

7 EDMUND G. BROWN JR.
Attorney General of the State of California
JACOB A. APPELSMITH
8 Senior Assistant Attorney General
VINCENT J. SCALLY, JR. (SBN 058223)
9 Supervising Deputy Attorney General
KATHRYN ALLEN (SBN 137685)
10 Deputy Attorney General
LYN HARLAN (SBN 171471)
11 Deputy Attorney General
RICHARD L. MANFORD (SBN 051092)
12 Deputy Attorney General
13 1300 I Street, Suite 125, Sacramento CA 95814 (delivery)
14 P.O. Box 944255, Sacramento CA 94244-2550 (mail)
Telephone: 916.324.5367
15 Telefax: 916.322.4483 or 916.324.5567
E-Mail: dick.manford@doj.ca.gov

16 Attorneys for Defendants CALIFORNIA DEPARTMENT OF CORRECTIONS AND
17 REHABILITATION, ROBERT L. AYERS, JR., AND TERESA A. SCHWARTZ

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION)

20 DEANNA L. FREITAG,)	No. C00-2278-TEH
)	
21 Plaintiff,)	STIPULATION, AGREEMENT, AND
)	REQUEST FOR ORDER AWARDING
22 vs.)	INTERIM ATTORNEYS' FEES AND
)	COSTS ATTRIBUTABLE TO PLAINTIFF'S
23 CALIFORNIA DEPARTMENT OF)	CLAIMS UNDER TITLE VII
CORRECTIONS, et al.,)	
)	
24 Defendants.)	
25)	

26 Come now Plaintiff DEANNA FREITAG and Defendants CALIFORNIA
27 DEPARTMENT OF CORRECTIONS AND REHABILITATION, ROBERT L. AYERS,

28 ///

JR., AND TERESA A. SCHWARTZ who, by and through their respective counsel of record, stipulate, agree, and request, as follows:

RECITALS

1. On March 02, 2007, plaintiff filed a motion for an award of interim attorneys' fees and costs. The defendants filed an opposition thereto on March 26, and plaintiff filed her reply on April 02.

2. A hearing was held on the motion on April 16. The court granted the motion, but found that plaintiff's papers did not sufficiently support the amount of her request. The court therefore ordered the parties to meet and confer with a view toward reaching agreement as to an amount of interim attorneys' fees attributable to plaintiff's Title VII verdicts. The court also set a briefing schedule to be met in the event that the parties could not so agree.

3. The parties met and conferred by conference calls on April 18 and 19, 2007, and have reached agreement in the premises for payment. The parties understand, however, that the defendants cannot guarantee payment by a date certain because (a) they must have in hand a signed court order directing such payment because the funds necessary to make payment are locked in a Special Deposit Fund, and (b) such payment involves another state agency, namely the State Controller's Office which actually issues the check.

Now, and therefore, the parties stipulate, agree, and request, as follows:

STIPULATION, AGREEMENT, AND REQUEST

A. The defendants will pay to Price and Associates as trustee for Deanna Freitag the sum of \$500,000.00 as and for interim attorneys' fees attributable to plaintiff's Title VII verdicts through the fee award order of October 17, 2003, and plaintiff agrees to accept such payment for such purpose, without prejudice to her claim for an amount of further fees as awarded by the court on October 17, 2003, on November 19, 2003, and fees that have been incurred since September 30, 2003 and which may be awarded by the court upon entry of final judgment or as agreed to by the parties.

///

B. The defendants will pay to Price and Associates the sum of \$93,500.00, which represents 100% of statutory costs per Bill of Costs filed May 19, 2003, and non-statutory costs awarded by order of October 17, 2003;

C. The payments to be made hereunder are and will be creditable toward any and all future liabilities and obligations that the defendants, or any of them, may have to plaintiff in this action.

D. Upon receipt of an endorsed copy of the court's below order, the defendants and their counsel will do everything within their power and ability to ensure that the required payments are processed and issued as expeditiously as possible, giving the same the highest priority.

E. The parties jointly request that the court sign the below order, and vacate the briefing schedule relative to the subject motion.

Dated: April __, 2007

PRICE AND ASSOCIATES
PAMELA Y. PRICE
LAW OFFICES OF JOHN L. BURRIS
JOHN L. BURRIS
CHARLES STEPHEN RALSTON

by: /s/ Pamela Y. Price
PAMELA Y. PRICE

Attorneys for Plaintiff DEANNA L. FREITAG

///

///

///

///

///

///

///

///

///

1 Dated: April 23, 2007

2 EDMUND G. BROWN JR.
3 Attorney General of the State of California
4 JACOB A. APPELSMITH
5 Senior Assistant Attorney General
6 VINCENT J. SCALLY, JR.
7 Supervising Deputy Attorney General
8 KATHRYN ALLEN
9 Deputy Attorney General
10 LYN HARLAN
11 Deputy Attorney General

12 by: /s/ Kathryn Allen for

13 RICHARD L. MANFORD
14 Deputy Attorney General

15 Attorneys for Defendants CALIFORNIA
16 DEPARTMENT OF CORRECTIONS AND
17 REHABILITATION, ROBERT L. AYERS, JR.,
18 and TERESA SCHWARTZ

19 ORDER

20 The court having read and considered the foregoing Stipulation, and GOOD
21 CAUSE APPEARING THEREFOR,

22 IT IS HEREBY ORDERED that the defendants shall make the payments as
23 above described as expeditiously as possible, assigning their highest priority to the same, and
24 that the briefing schedule previously established relative to the subject motion shall be, and
25 hereby is, VACATED.

26 DATED: April 25, 2007

27 THELTON E. HENDERSON

28 United States District

